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9 Attorneys for Defendant and Counterclaimant
10 RLI INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 TONIC WEAR, INC., a California
14 corporation

15 Plaintiff,

16 v.

17 RLI INSURANCE COMPANY, an Illinois
18 corporation

19 Defendant.

20 AND RELATED COUNTERCLAIM.

CASE NO. C-05 3484 EDL

**STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER OF DISMISSAL
WITH PREJUDICE OF ENTIRE ACTION**

STIPULATION

21 Pursuant to Federal Rules of Civil Procedure 41(a), the parties in this action hereby
22 stipulate and agree to the following:

23 1. Plaintiff Tonic Wear, Inc. by and through its attorney of record hereby stipulates
24 to dismiss with prejudice its First Amended Complaint in its entirety against Defendant RLI
25 Insurance Company and agrees to bear its own attorneys' fees and costs.

26 2. Counterclaimant RLI Insurance Company by and through its attorneys of record
27 hereby stipulate to dismiss with prejudice its Amended Counterclaim in its entirety against
28 Counterdefendants Tonic Wear, Inc. dba Acme Made and Kirk Thornby and to bear its own

1 attorneys' fees and costs.

2
3 **IT IS SO STIPULATED**

4
5 DATED: January 11, 2007

LINER YANKELEVITZ SUNSHINE &
REGENSTREIF LLP

6
7
8 By: 

Joshua Levenberg
Attorney for Plaintiff and Counterdefendants
TONIC WEAR, INC. / TONIC WEAR, INC. DBA
ACME MADE AND KIRK THORNBY

9
10
11
12 DATED: January __, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

13
14
15 By: _____

Julia A. Molander
Laura L. Goodman
Attorneys for Defendant and Counterclaimant
RLI INSURANCE COMPANY

attorneys' fees and costs.

IT IS SO STIPULATED

DATED: January __, 2006

LINER YANKELEVITZ SUNSHINE &
REGENSTREIF LLP

By: _____

Joshua Levenberg
Attorney for Plaintiff and Counterdefendants
TONIC WEAR, INC. / TONIC WEAR, INC. DBA
ACME MADE AND KIRK THORNBY

DATED: January 11, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: _____

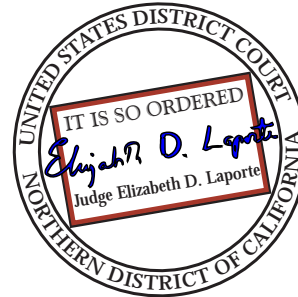

Julia A. Molander
Laura L. Goodman
Attorneys for Defendant and Counterclaimant
RLI INSURANCE COMPANY

[PROPOSED] ORDER

IT IS HEREBY ORDERED that Plaintiff Tonic Wear, Inc.'s First Amended Complaint against Defendant RLI Insurance Company and Counterclaimant RLI Insurance Company's Amended Counterclaim against Counterdefendants Tonic Wear, Inc. DBA Acme Made and Kirk Thornby are DISMISSED in their entirety WITH PREJUDICE. Each party to bear its own attorneys' fees and costs.

IT IS SO ORDERED

Dated: January 16, 2007



Magistrate Judge Elizabeth LaPorte
U.S. District Court Judge, Northern District